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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,146

01/14/2004

Dwight D. Smith

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3170

7590

07/28/2008

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EXAMINER

TORRES RUIZ, JOHALI ALEJANDRA

ART UNIT

PAPER NUMBER

2838

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,146	Applicant(s) SMITH, DWIGHT D.	
	Examiner JOHALI A. TORRES RUIZ	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/28/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10-13, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 3-9 and 14-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action has been issued in response to the amendment filed on March 28, 2008.
2. Claim 2 has been cancelled by applicant.
3. Claims 1 and 3-23 are pending.
4. Applicant's arguments have been carefully and respectfully considered and examiner agrees therefore this action is made non final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent Number 5,844,401) and Wulff et al. (U.S. Patent Number 7,299,373).
7. Claim 1: Lee teaches a housing (3) having a battery receiving cavity, said cavity being profiled to receive at least a battery therein (Fig.3A), electrodes for contacting contacts on the battery for charging the battery (Col.3, Lines 39-41); said housing further comprising an opening through said housing and into said cavity and a gripping member (71) movable transversely into and out of said housing opening (Fig.3A),

between a locked (Col.4, Lines 10-12) and unlocked position (Col.4, Lines 19-23), for gripping a battery placed within said cavity.

Lee does not explicitly teach a cam assembly nor that the gripping member is operatively connected and movable by operation of said cam assembly.

Wulff teaches a cam assembly and a gripping member that is movable by operation of said cam assembly (Col.5, Lines 54-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Wulff in the device of Lee to have released or engaged a battery by use of a cam or wheel rotating on a shaft (Col.5, Lines 54-57).

8. Claim 10: Lee and Wulff teach the limitations of claim 1 as discussed above. Lee teaches the battery receiving cavity is profiled to receive a battery (5) alone (Fig.3A).

9. Claim 13: Lee teaches a housing (3) having a battery receiving cavity, said cavity being profiled to receive a battery (5) therein alone (Col.3, Lines 65-67) (Fig.3A), electrodes for contacting contacts on the battery for charging the battery (Col.3, Lines 39-41); said housing further comprising an opening through said housing and into said cavity and a gripping member (71) (Col.4, Lines 13-23) movable transversely into and out of said housing opening (Fig.3A), between a locked (Col.4, Lines 10-12) and unlocked position (Col.4, Lines 19-23), for gripping a battery placed within said cavity .

Lee does not explicitly teach a cam assembly nor that the gripping member is movable under the influence of said cam assembly.

Wulff teaches a cam assembly and a gripping member that is movable by operation of said cam assembly (Col.5, Lines 54-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Wulff in the device of Lee to have released or engaged a battery by use of a cam or wheel rotating on a shaft (Col.5, Lines 54-57).

10. Claims 11-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent Number 5,844,401) and Wulff et al. (U.S. Patent Number 7,299,373) as applied to claims 10 and 13 above, and further in view of Taylor et al. (U.S. Patent Number 5,262,710).

11. Claims 11 and 22: Lee and Wulff teach the limitations of claims 10 and 13 as discussed above. It does not explicitly teach said cavity includes guides along the insertion axis of the cavity for holding the battery alone.

Taylor teaches a battery charger comprising guides along the insertion axis of a battery for holding a battery alone (Fig.5). (Col.9, Lines 36-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Taylor in the device of Lee to have guided a battery to a charging position (Col.9, Lines 54-61).

12. Claims 12 and 23: Lee, Wulff and Taylor teach the limitations of claims 11 and 22 as discussed above. Taylor teaches said guides are comprised of guide grooves along the insertion axis of a battery receiving cavity, and are profiled to receive ribs along an exterior of a battery (Col.9, Lines 36-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Taylor in the device of Lee to have guided a battery to a charging position (Col.9, Lines 54-61).

Allowable Subject Matter

13. Claims 3-9 and 14-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowable Subject Matter

14. The following is an examiner's statement of reasons for allowance: Prior art fails to disclose or suggest, a gripping member comprising a gripper portion attached to an insert nor a cam assembly comprised of a rotatable cam which operates within a follower groove in said insert.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- Alternating F 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akm Enayet Ullah/
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JAT